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SERRES

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HONOLULU, TERRITORY OF BAWAII, FRIDAY, OCTOBER 12 1900

PRICE 5 CENTS.

CONSTITUTIONAL NUTS TO GRACK

Two Cases Submitted to the Supreme Court Amicably.

JUDICIAL DECISION ON CASE FROM KAUAI cases, according to the findings of law

Costs Eat Up Proceeds of Execution-Judge Humphreys Kept Busy at Circuit Court Chambers---Suit for Separation.

- - - P. In In the case of error to the Circuit Court, Fifth Circuit, of Yee Wo vs. Chong Lup Yee the writ is dismissed by a unanimous decision of the Supreme Court. Chief Justice Frear, who writes th edecision, Justice Galbraith Court. The syllabus reads:

"Section 1768, Civ. L., does not authorize a claimant of goods seized by the sheriff on execution to apply for an order of interpleader. The sheriff is the proper applicant.

"Such unsuccessful claimant may be required to pay the sheriff's possession money caused by a stay of proceedings in consequence of such claim."

Goods and chattels were seized by the deputy sheriff of Hanalei, Kauai, under an execution of the Circuit Court on judgment for \$300 outsined by Yes Wo against Chong Lup Yee. Chun Fun, claiming to be owner, and Sun Kwong Sing Co. to be mortgages notified the sheriff of their claims and applied to the Circuit Judge for an order of interpleader. The Judge ordered Yee Wo to show cause why the mortgage should not be paid first out of any moneys arising from the sale, all proceedings to be stayed until that question was decided.

Yee Wo demurred, chiefly on the ground that an order of interpleader could be granted only on the application of the officer who had seized the goods. The judge sustained the deerror is that the judge erred in this of Kealohaokalani, a minor. ruling. Section 1768 is quoted by the Supreme Court, and the position of the judge sustained. It is further assigned as error that the judge erred in adjudginterpleader pay, in addition of statucosts occassioned by the stay of execution amounting to \$153. Here again the law is found against the objector, the Supreme Court saying there is not enough on theerecord to show that the whether his decision is appealable at seve nyears ago. The following concluding observa-

a day, of keeping the property in question, which consisted chiefly of bags the minors is disallowed. In other reof paddy, some farming implements and one Chinese bullock, all of which sold for \$476.85, seems unnecessarily The total costs of execution appear to have been \$288.45."

J. T. De Bolt for plaintiff in error; J. D. Willard for defendant in error. MORE CONSTITUTIONAL NUTS.

An amicable submission has been made to the Supreme Court of a difference between Theodore P. Lansing. Treasurer of the Territory of Hawaii, and Theo. H. Davies & Co., Ltd. One fore made of net income to the legatees. of the propositions is that the goods imported from foreign countries, exclusive of the United States, for the year ending June 30, 1900, by the Davies corporation amounted to \$661,312,-48.and that the license fee thereon is

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\$2529.92, "If the statute requiring the same is not in conflict with the constitution of the United States." The next proposition is that the corporation the same year imported goods from the

United States amounting in value to \$915,691.90, on which the license fee is \$3433.50 if the statute requiring it is not in conflict with the constitution of corporation that the license fee law of 1897 has become null and void by virtue of the incorporation of the Hawa lian Islands as a part of the United States. This claim is denied by the Treasurer and it is agreed that judgment shall be rendered, as to payment or non-payment of the fees in both

Another submission is by the Puna Sugar Co, Ltd., vs. the Government of the Territory of Hawall. Toe Government claims that the corporation is ilable to prosecution and fine for clearing off the forest on the corporation's own land within 250 feet o' the public highway at Walakahiula, Puna, Hawall, under sections of the Penal Laws of Hawaii. Contrariwise, the company denies the power of the Covernment to enforce such sections, holding that they would deprive it of its property and Judge Stanley constituted the United States. The parties agree to ac-

CIRCUIT COURT.

In the bill for injunction, etc., of Chas, B. Wilson vs. Liliuokalani, the defendant by her attorneys, Robertson & Wilder, gives notice to A. Lewis Jr., attorney for defendant, of motion to be presented to Judge Humphreys on Saturday to set a day for argument on her

Mary J. Clench petitions for letters of administration to herself on the estate of her late husband, W. C. Clench, which is valued at about \$6000 and consists of house and lot in Lunalilo street, \$284.91 in Bishop's bank, etc.

Virginia Hendricksen has brought a libel for separation against Julio Hendricksen for habitual drunkenness and ill-treatment.

Josepa de Costa petitions for letters of administration to M. G. Silva on the estate of her late husband, John de Costa, of Kahuku, which consists of a \$1000 policy in the Germania Life Insurance Co.

John Pae by his attorneys, Kinney, Ballou & McClanahan, withdraws his murrer, and the first assignment of petition for leave to sell the property

Judge Humphreys has appointed estate of Naomi Kaaihue, who was lateing that the applicants for the order of under a bond of \$1000. Prendergast is also appointed guardian of Kala Kaaltory costs of \$17, the expenses and hue, a minor child of deceased, under \$250 bond. An absent gon has not been heard from, and it is uncertain whether seven years ago.

Mary Afice Brown petitions for divorce against Malcolm Brown, who left fluence with to do the same judge erred. It is indeed doubted the country deserting her more than

> S. K. Kane, gua spects the accounts are approved.

Mrs. Ulbricht's petition to resign as guardian of her minor children is real estate.

Judge Humphreys has rendered a decree on the will of the late J. H. Wood. they become payable under the will He approves of the payments heretobot directs that hereafter the net income of one-third of the principal be retained by the trustees and invested for the benefit of the four grand children until they each attain their 25th birthday. Further, after paying costs of administration, the trustees are to pay Mrs. Flora Jones and Mrs. Stella May Dixon each one-third of the principal of the estate. A. G. M. Robersson, guardian ad litem of the minors is awarded a fee of \$75.

NAVAL NOTES.

Captain Merry of the Naval Station received by the steamer of yesterday on order from the Navy Department ordering the firing of thirteen minute of the station at half-mast from sunmemory of the late Admiral Steard. The order was complied with today A squad of four men from the frequests dook

The transport Bolace will sail from morning San Francisco on November 1, calling at this port for Captain Morry.

for at any foliante how.

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REPUBLICANS

Out Over Five Hundred Strong.

WORKERS IN THE FIFTH ALSO REPORT PROGRESS

Prominent Hawaiian-American Renounces Allegiance to Wilcox and Declares for Sam Parker--School Houses Tabu.

There was a big Republican meeting at Ewaliko's place in Auwaiolimu last night. Over five hundred natives were without compensation and without due present, the great majority being Reprocess of law contrary to the fifth publicans. The speakers were: A. G. amendment to the Constitution of the M. Robertson, J. W. Keiki, Chas. Wilcox, Jonah Kumalae, Wm. Aylett and cept the judgment of the Court on the Clarence Crabbe. One feature of the meeting was the presence of a company of seventy-five men bearing torches. They were commanded by Nahorahipa.

> Late, supposed to have been for Wilcox, has turned Republican. This is the glorious news that comes to Honolulu today. The following spoke there last night in the interests of Republicanism: Mrs. Junius Kaae, J. L. Kaulukou, Geo. R. Carter, L. L. McCandless, Frank Pahia, John Kalama, Ke-alakaihonna and Daniel Kekaha. All the speakers were well received.

In the morning Messrs. Carter, Pahia, Kalama, McCandless and Kaulukou were at Kahana and in the afternoon, they held forth in the court house at Hauula. Both meetings were well attended.

These speakers went over the Pali Wednesday afternoon and spoke at Kaneohe where a large crowd of natives gathered. In the evening there was another large gathering at the country home of L. L. McCandless in

It will be remembered that the name of Kanui was one of those on the list of nominations from the Independent party at the meeting Wednesday af-John Prendergast administrator of the ternoon, It now turns out that Kanul refused absolutely to have anything to ly killed by Pueo at Palama, to serve do with the Independent party although he had been president of the Aloha Alna society at one time. He not only refused to take a hand but told various natives what he thought of Wilcox and his dreams of personal gain. He will vote for Hon, Sam Parker and will get all those he has in-

Kanui is one of the old time Hawalians and his study of the situation has produced in his mind the conviction tion of the Court's opinion is interesting as showing how a man's substance \$180 in his account, for commission on through the Independent party. He melts away in the crucible of the law: \$7200 road damage in Milliani street ex-"We may remark that the expense, \$2 tension. J. A. Magoon's claim of \$70 wananakoa is too young and inexperifor attorney's services against one of enced to be of any avail among the United States.

> Of course everybody knows that the granted, Judge Humphreys appointing Democrats are trying to pull the in-H. Holmes in her place under \$2000 dependent vote their way without in bond and authorizing him to sell the any way jeopardizing their own interests but, evidently, some of their stump speakers have not been very well instructed. In a speech at Lale before a He decides that the four legacies do lot of natives the other night, he came not bear interest before the dates when out with some of the broadest state ments against the candidacy that have yet been adduced.

> > The Republican meeting set for the Royal School tonight has been postponed as the Superintendent of Public Instruction will not allow the grounds

There will be another meeting of Republicans in Kalihi camp this after-

Leong Chi Tso's Mission Has Failed

For a week or ten days back, there had spent all the money (\$40,000) collected here in the interests of the Rerts eto sugget out of respect to the form movement. It seems that this report has been spread about by a society of Chinese whose alms are against those of the Bow Wongs. One of the fired the six-pounders on the new Navy leaders in this socily had the following to my to a Hulletin reporter this

"We have received two festure from Leona Chi tro since his departure from The trunsport Justin may be looked this place. He is now in Tien 7sin. I als mery to one that all the miner misection by Chiann more for carrying on NO & CO., The fates at the in states and the life fates and the large and spent and the places has fates. Here's state for the fates and the places has fates. It wast to now, it realizable of

the reports spread about town, that Leong Chi-tso did not take away with him a cent of the money that was Subscribed here to the Retorm cause. It was sent by check or telegraphed to the various headquarters.

"All the talk about the young reformer having appropriated the money is bosh and the Bow Wongs are standing the United States. It is claimed by the Residents of Pauoa Turn by him as sturdly as they ever did. The fact that he failed in the object he had in view was on account of the existing circumstances and not on account of a failure to propery arrange matters.

The fact that he has written but

undoubtedly on account of his disappointment. He hasn't any news THE COURT WILL GIVE to give."

Death of Dan Sanford.

Dan Sanford, aged 24, the engineer who suffered such serious injury in the railroad accident at Honolulu plantation on the 1st inst., died at the home of his brother-in-law, Joseph McGuire, King street, at about 6 o'clock this morning. Up to 10 o'clock last night he seemed to be doing very well but soon after that, he began to sink. When the doctor called at midnight he conveyed the sad news that the young sch in such a manner that death was corpus. inevitable. Deceased leaves a mother, two sisters and a brother. The funeral will take place from the McGuire home on King street, opposite the Catholic for preparation and asked for a concemetery, tomorrow afternoon. The tinuance. hour will be announced later. Manager Low of Honolulu plantation has taken charge of the remains and will attend to all arrangements in connection with the funeral.

Beretania Tennis Club.

At a meeting of the Beretanta Tennis Club in the Y. M. C. A. last night, the committee appointed to secure new grounds for courts reported that they had been unsuccessful in their efforts. W. A. Wall was selected to secure new grounds and it was decided that no steps toward reorganization should be taken until receiving Mr. Wall's report. In a letter to the Club, Ernest Ross stated that there was a proposition on foot to postpone the regular fall tournament until February or March.

New Art Studio.

Mrs. W. F. Smith, late of the Keramic Art Studio of San Francisco, has tinued to Tuesday next. issued cards for an "At Home" to be given in her studio. Room 2, Model

Special values in woolen goods are now being offered by L. B. Kerr & Co. at greatly reduced prices. Call and in-

Notice to **IMPORTERS**

At a meeting of the undersigned Ship-

October 5, 1900, the following resolution has been unanimously adopted:

Resolved, That all merch endise landed upon any wharf in the Harbor of Honoluin from stram or sailing vessels will be at the shall's bond and the District Attorney risk of the owners or consignes, and if not removed within twenty-four hours after 5 m, of the day on which it has a strain or sailing vessels will be at the shall's bond and the District Attorney will sail for San Francisco at 8 o'clock this afternoon. after 5 p. m. of the day on which it has been landed will be stored or left on the wharf at the risk and expense of the own

vhirf at the risk and expense of the owners or consignees.

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Wm. H. Marshall Released on \$100 Bail Pending Proceedings.

ALL THE TIME WANTED

Judge Estee Wants Jurisdiction Fully Argued---Invites All the Lawyers to Join in Constitutional Debate.

William H. Marshall, former editor of the late Sunday Voicano, was produced in the United States District man could only last a few hours. The Court this morning by High Sheriff injury to the leg had affected the stom- A. M. Brown under a writ of habeas

J. T. De Bolt, attorney for the petitioner, suggested to the Court that the importance of the case required time

counsel to make their own time. Mr. De Bolt further asked if the question of jurisdiction might not be set first for argument as if the Court would not take jurisdiction that would be an end of the matter. The Judge prefer red that all the questions of law should be heard at once. Jurisdiction was a serious and delicate question, as it involved putting the Court in the position of an appellate court. He would give all the time that was wanted and allow all the time the lawyers desired for argument. "All the reasonable time," His Honor mused; "I do not suppose argument should take three months."

Attorney General E. P. Dole, W. O. Smith, who was present as having appeared for the prosecution in the Supreme Court of the Territory, and District Attorney J. C. Baird having all been consulted, the hearing was con-

Geo. D. Gear asked to be allowed to appear, being counsel for another perblock, Saturday, from 2 to 5. Her work son interested in the questions involv-

an appearance. Judge Estee readily granted the request and added that he was perfectly Alex. Burgess, Jr., was lying at death's willing to have the entire membership of the bar participate in the argument. Attorney General Dole suggested that, as the proceedings were likely to be somewhat protracted, the prisoner might be released on nominal ball.

"What would you consider nominal ball?" asked the Court. "Would you of a police officer. A complete investibe satisfied with \$190?" Mr. Dole as- gation will be made. senting to this amount it was so fixed.

was released this afternoon.

STRIKERS WON'T YIELD

Philadelphia, Pa., October '3 .- There were no developments of special importance today in the miners' strike. An interesting feature was the Reading Compa nv's notice to its employes that, in addi tion to its effer of to per cent, it was willing to enter into arbitration with them relative to any grievances they may have, None of the strikers, however, has yet indicated an intention to return to work. Affairs were extremely quiet today thro ghout the anthracite region. General Gobin, in command of the State troops recently sent to Schuylkill county on request from the Sheriff, today directed another of the regiment left on Monday. There remains but one regiment, a battery of artillery and a company of mounted troops.

Burned at the Stake.

Wetumpka, Ala., Oct. 2.-Winfield Townsend, alias Floyd, a negro, was burned at the stake in the little town 1 Set of FOWLER STEAM this place, a half hour after midnight of Electric, about fifteen miles from this morning. The negro's crime was 1 BURLEY DRILL Outfit an attempted assault on Mrs. Lonnie dering the firing of thirteen minute has been a rumor about town that guns at 13 noon after the receipt of the Leong Chi-tso, the Chinese reformer, complete with Air Compressor the fuel which reduced Townsend's body to ashes.

Practise Game Football. The Alemnt and Undergraduate foot

alt teams of Oahu College will indule to a practice game on the college camgive this afternoon, beginning or 1 39

Undergraduates-Gerrit Judd. More Sinch ends Leman Altin C er Julii, Lockbay, Milward Perry, A antis Walter stords: Lewissia H. raiden, haterie A. L. Cartle, full in: Wie Williamsen, quarter

ALVERT AREA AND A STREET

ends; A. Waterhouse, J. Waterhouse, tackles; Allan Judd, D. Woodward, guards; Walker, center, Ingalls, Hewenway, halves; G. Fuller, full-back; W. H. Babbitt, quarter; Ahfook and Spalding, substitutes.

Remi nd Grove Excursion.

There was a very warm time at Remond Grove last night, the occasion being a moonlight excursion under the auspices of Tribe No. 1. Independent Order of Red Men. Nearly 400 people were in attendance. Dancing was the attraction of the evening. The grounds were brilliatnly lighted by means of a number of the largest Washington

Meeting of Archbishops.

Washington, September 27.-The meeting of American Archbishops at the Catholic university here has been set for Wednesday, October 10th. It is believed that at least twelve of the fourteen Arcabishops of this country will attend the convocation.

DEATH ENDS CAROUSE

TERRIBLE FATE OF FAMILY IN KONA

Judge Estee was willing to allow Three Succumb and Another at Death's Door--Police Will Make Searching Investigation of the Affair.

> The Mauna Loa this morning brought the news of a terrible happening in Kailua, Kona, on Tuesday last. The story is best told in the language of one of the passengers, who informed the Bulletin of what had taken place.

> "Alex. Burgess, Mrs. Kapoli Thompson (the woman who was living with him) and W. D. Kaea, Mrs. Thompson's father, together with Alex. Burgess, Jr., and seven others started out on a big spree last Saturday afternoon.

> This they kept up until Tuesday noon. At this time, Mrs. Thompson complained of terrific pains in the region of her stomach and in a very few minutes, she was lying dead in the Burgess house. About four hours later Alex. Burgess

was taken with the same symptoms will be on exhibition to all at that ed. Perhaps he would not take part in force he too was lying dead. Four hours the argument, but he desired to make later, Kaea died under the very same circumstances. "When the Mauna Loa left Kailua,

door and the other seven who had been on the four days' carouse were all desperately ill." Before Kaea was buried, his stomach

was placed in alcohol. This, together with a sample of the liquor drunk, came down in the Mauna Loa in charge

L. B. Kerr & Co. have just received

the very latest ideas in felt hats, just

the thing for this climate. Trimmed

with plain or fancy bands. Mrs. Brokaw, wife of Captain Brokaw of the tug Fearless, and her three children, arrived in the Alden Besse

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